

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 1:03-cr-068

-vs-

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

GEORGE J. FIORINI, II,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #131), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on September 27, 2006, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendant's Motion for relief under Fed. R. Civ. P. 60(b) (Doc. No. 130) be, and it hereby is, denied for lack of subject matter jurisdiction.

October 2, 2006.

***s/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge